

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SANDY J. BATTISTA,
Plaintiff,

V.

CIVIL ACTION NO. 04-10779-DPW

DUANE MACEACHERN, DEPUTY
SUPERINTENDENT OF OPERATIONS, ET AL.,
Defendant

ORDER OF DISMISSAL

WOODLOCK, District Judge

In accordance with this Court's denial of Plaintiff's motion to proceed without prepayment of fees/in forma pauperis, and the Mandate of the First Circuit Court of Appeals affirming the denial, finding the Sandy J. Battista possesses sufficient funds to pay the fees in this case, it is hereby ORDERED that the above-entitled action be, and it hereby is, DISMISSED in its entirety, without prejudice to filing a new action accompanied by payment of the filing fee.

BY THE COURT,

/s/ Michelle Rynne

Deputy Clerk

DATED: November 12, 2004